

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

LOWEY DANNENBERG COHEN,
P.C., in its capacity as account holder of, and
party with interest in, the REZULIN
SETTLEMENT FUND,

Plaintiff,

- vs -

JAMES R. DUGAN, II, STEPHEN B.
MURRAY d/b/a THE MURRAY LAW FIRM,
RAWLINGS AND ASSOCIATES, PLLC,
GREG MURPHY, MORAIN & MURPHY, LLC,
WALLACE JORDAN RATLIFF & BRANDT,
LLC, ELWOOD S. SIMON & ASSOCIATES,
P.C., KERSHAW, CUTTER & RATINOFF,
LLP, BERMAN DEVALERIO PEASE
TABACCO BURT & PUCILLO, MARK
FISCHER, GEORGE RAWLINGS, SHIPMAN
& GOODWIN, LLP

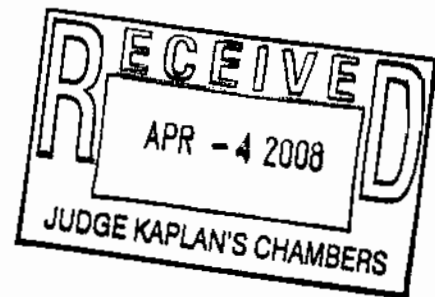
Defendants.

USDS SDNY
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DOC #:
DATE FILED: 4/7/08

Case No. 08 Civ. 0461 (LAK)

HONORABLE LEWIS A. KAPLAN

ECF CASE



**STIPULATION AND [PROPOSED] ORDER FOR RELEASE OF FUNDS TO
PLAINTIFF AND FOR DISMISSAL WITH PREJUDICE**

ML
This Stipulation and [Proposed] Order for Release of Funds to Plaintiff and for Dismissal with Prejudice is agreed to as of March 25, 2008 by and among the Parties, on behalf of themselves or through their undersigned counsel.

WHEREAS, On January 25, 2008, Plaintiff, Lowey Dannenberg Cohen, P.C. (formerly known as Lowey Dannenberg Bemporad Selinger & Cohen, P.C.) ("Lowey Dannenberg"), in its role as account holder of, and party with interest in, Citibank Account No. 009977643705, titled "Lowey Dannenberg Bemporad Selinger & Cohen, P.C. as Attorneys for the Rezulin Settlement (2027 / STIP / 0008777) DOC v11

Fund" (the "Fund"), deposited with the Clerk of the Court \$4,560,588.47, representing all funds held in Citibank Account No. 009977643705, titled "Lowey Dannenberg Bemporad & Selinger P.C. as Attorneys for the Rezulin Settlement Fund," pending resolution of this action.

WHEREAS, the Parties have each determined that it is in their respective best interests to settle and discontinue this action;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the Parties, on behalf of themselves or through their undersigned counsel, that:

- (1) The Clerk of the Court for the Southern District of New York shall immediately release and return to Plaintiff the \$4,560,588.47 deposited with the Clerk of the Court, plus all accrued interest, less any statutory fee, upon entry of this Order;
- (2) Upon receipt by Plaintiff of the \$4,560,588.47, plus all accrued interest, less any statutory fee, all claims any party may have against any other party that were or could have been asserted in this action are dismissed with prejudice; and
- (3) Defendants James R. Dugan, II, Stephen B. Murray d/b/a The Murray Law Firm (the "Dugan Defendants") acknowledge that on April 2, 2008, the Court entered a default judgment against them, dismissing their claims with prejudice. The Dugan Defendants waive any and all right to appeal from that judgment or from any ruling by the Court in this matter.

LOWEY DANNENBERG COHEN & HART,
P.C.

By



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RICHARD W. COHEN (AC-5220)

{2027 / STIP / 00087771.DOC v1}
2027 / STIP / 00087664.WPD v2

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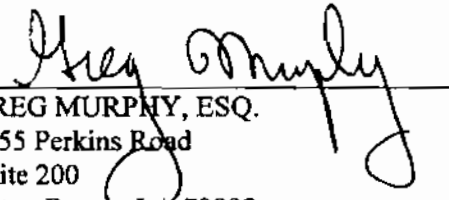
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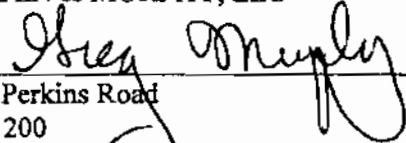
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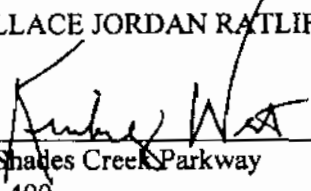
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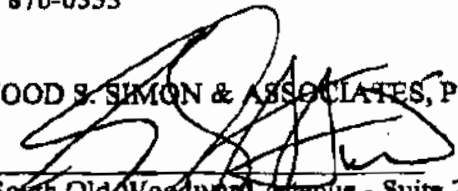
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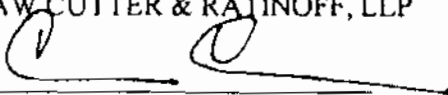
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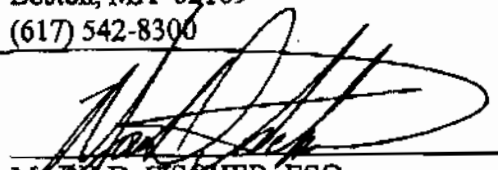
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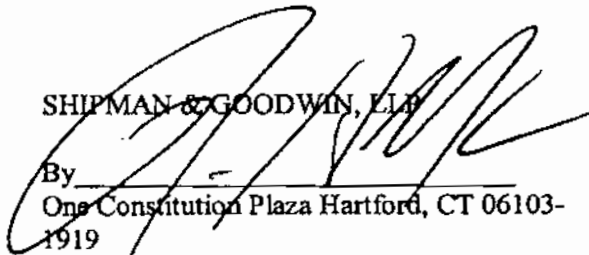
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*Counsel of record for Defendants, James R.
Dugan, II and Stephen B. Murray d/b/a The
Murray Law Firm*

SO ORDERED this 7 day of April 2008.


UNITED STATES DISTRICT COURT JUDGE